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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/670,120 | 09/25/2003 | Yoshiharu Hamaguchi | Q77618 | 2556 |
| 23373 | 7590 | 07/27/2005 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | CHAU, MINH H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,120

Applicant(s)

HAMAGUCHI ET AL.

Examiner

Minh H. Chau

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 11-13, 18 and 21 is/are rejected.
- 7) ☒ Claim(s) 4-6, 10, 14-17, 19 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, 7-9, 11-13, 18 and 21** are rejected under 35 U.S.C. 102(e) as being anticipated by Soto et al. (Pub. No.US 2003/0081240).

With respect to **claims 1-2 and 21**, Soto et al. teach the step of performing bidirectional pre- communication with an external device (digital camera) before print data are obtained from the external device (digital camera) (paragraphs [0017-0020]), the step of obtaining print data (paragraph [0020]), the step of setting a print condition (paragraph [0022]), the step of printing (Fig. 3), the reception unit (printer) is specified according to the content of the bidirectional pre-communication and the print condition is set to the reception unit (printer) (see paragraphs [0017-0022] and Figs. 1-3)

With respect to **claim 3**, see paragraph [0017] of Soto et al. that teach the wireless connection between the external device and the reception unit

With respect to **claim 7**, see paragraph [0019] and Fig. 3 @ 330-340 of Soto et al. that teach the information for designating the reception unit (printer) and that the print condition is set in accordance with the information for designating the reception unit that is received.

With respect to **claim 8**, see paragraphs [0022] and [0024] of Soto et al. that teach the lookup table (database) correlating the reception unit and the print condition and that the print condition is set based on the lookup table and information for designating the reception unit that is received.

With respect to **claim 9**, see Fig. 3 and paragraphs [0019-0020] of Soto et al. teach the identifier of the reception unit and the print condition is set in accordance with the identifier that is received.

With respect to **claim 11**, see paragraph [0022] of Soto et al. that teach the operation of ejecting liquid onto the medium (color setting or color emulations).

With respect to **claim 12**, see paragraph [0022] of Soto et al. that Soto et al. teach that printing is based on pixel data (quality levels) created from the printing data.

With respect to **claim 13**, see Fig. 3 and paragraph [0022] and [0022] of Soto et al. that Soto et al. teach the print condition, identifier and that the print condition is prepared in advance based on the identifier that is received from the external device.

With respect to **claim 18**, see paragraph [0017] of Soto et al. that teach the communications protocol (infrared or wireless network) is specified in accordance with the content of the bi-directional pre-communication and the print condition is set in accordance with the communication protocol that has been specified.

Allowable Subject Matter

3. **Claims 4-6, 10, 14-17, 19 and 20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 27 April 2005 have been fully considered but they are not persuasive.

With respect to the rejection of claims 1-3, 7-9, 11-13, 18 and 21, the Applicant's argument center around that the applied prior art to Soto et al. (2003/0081240) fails to teach or suggest the *method perform bi-directional pre-communication with an external device before print data are obtain from the external device*. The Examiner respectfully disagrees with the Applicant opinion because Soto et al. teach a bi-directional (Fig. 1) pre-communication (paragraphs [0019-0023] with an external device (digital camera), the header file 226 which include the print setting is transmitted to the printer prior the printing file 227 is transmitted to the printer, the arrow flowing direction in diagram of Fig. 1 show the bi-directional communication between the printing device and an external device (digital camera).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

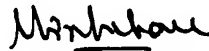
Art Unit: 2854

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H. Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHC
24 July 2005


MINH CHAU
PRIMARY EXAMINER